

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Petition to Revoke)
Probation Against:)**

REZA AGHAZADEH-NAINI, M.D.)

Case No. 800-2017-034361

**Physician's and Surgeon's)
Certificate No. C 54455)**

Respondent)
_____)


DECISION AND ORDER

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on March 9, 2018.

IT IS SO ORDERED March 2, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 

**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5696
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 800-2017-034361

12 **REZA AGHAZADEH-NAINI, M.D.**
13 7510 Parkwood Ct., Apt. 304
Falls Church, VA 22042

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Physician's and Surgeon's Certificate No.
15 C54455

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
22 of California (Board). She brought this action solely in her official capacity and is represented in
23 this matter by Xavier Becerra, Attorney General of the State of California, by Machaela M.
24 Mingardi, Deputy Attorney General.

25 2. REZA AGHAZADEH-NAINI, M.D. (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.
27
28

3. On or about December 1, 2010, the Board issued Physician's and Surgeon's Certificate No. C54455 to REZA AGHAZADEH-NAINI, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on December 31, 2014, and has not been renewed.

JURISDICTION

4. Petition to Revoke Probation No. 800-2017-034361 was filed before the Medical Board of California (Board), and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on August 3, 2017. Respondent timely filed his Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 800-2017-034361 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 800-2017-034361. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits that if the allegations in Petition to Revoke Probation No. 800-2017-034361 were proven at hearing, cause for discipline would exist and hereby surrenders his Physician's and Surgeon's Certificate No. C54455 for the Board's formal acceptance.

9. Respondent understands that by signing this Stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. This Stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this Stipulation and surrender, without notice to or participation by Respondent. By signing the Stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C54455, issued to Respondent REZA AGHAZADEH-NAINI, M.D., is surrendered and accepted by the Medical Board of California.

1. The surrender of Respondent's Physician's and Surgeon's Certificate and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Medical Board of California.

2. Respondent shall lose all rights and privileges as a physician and surgeon in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 800-2017-034361 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Petition to Revoke Probation, No. 800-2017-034361 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the meaning and effect of this Stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I agree to be bound by the Decision and Order of the Medical Board of California.

DATED: Jan 14-2018

Reza A. Naini
REZA AGHAZADEH-NAINI, M.I.
Respondent

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Dated:

Respectfully submitted,

Machaela M. Mingardi
MACHAELA M. MINGARDI
Deputy Attorney General

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Exhibit A

Petition to Revoke Probation No. 800-2017-034361

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO August 3 2017
BY: R. Voong ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke
Probation Against:

Case No. 800-2017-034361

REZA AGHAZADEH-NAINI, M.D.

PETITION TO REVOKE PROBATION

12530 Plantation Ct.
Dunkirk, MD 20754

Physician's and Surgeon's Certificate No.
C54455

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

2. On December 1, 2010, the Medical Board of California issued Physician's and Surgeon's Certificate Number C54455 to Reza Aghazadeh-Naini, M.D. (Respondent). The Physician's and Surgeon's Certificate expired on December 31, 2014, and has not been renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against Reza Aghazadeh-Naini, M.D.," Case No. 16-2012-224992, the Medical Board of California, issued a

1 decision, effective March 14, 2014, in which Respondent's Physician's and Surgeon's Certificate
2 was revoked. However, the revocation was stayed and Respondent's Physician's and Surgeon's
3 Certificate was placed on probation for a period of three (3) years with certain terms and
4 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Medical Board of California
7 (Board), Department of Consumer Affairs, under the following sections of the Business and
8 Professions Code:

9 5. Section 2004 of the Code states, in pertinent part:

10 "The board shall have the responsibility for the following:

11 "(a) The enforcement of the disciplinary and criminal provisions of the Medical
12 Practice Act.

13 "(b) The administration and hearing of disciplinary actions.

14 "(c) Carrying out disciplinary actions appropriate to findings made by a panel or an
15 administrative law judge.

16 "(d) Suspending, revoking, or otherwise limiting certificates after the conclusion of
17 disciplinary actions.

18 "(e) Reviewing the quality of medical practice carried out by physician and surgeon
19 certificate holders under the jurisdiction of the board.

20 "..."

21 6. Section 2227 of the Code provides that a licensee who is found guilty under the
22 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
23 one year, placed on probation and required to pay the costs of probation monitoring, be publicly
24 reprimanded, or such other action taken in relation to discipline as the Board deems proper.

25 FACTS

26 7. On October 5, 2012, an Accusation was filed against Respondent. The Accusation
27 was based upon licensing actions taken by the Maryland State Board of Physicians (Maryland
28 Board). On June 27, 2012, the Maryland Board issued a Consent Order for a Reprimand and

1 Probation, reprimanded Respondent and placing him on probation until he successfully completed
2 a medical record keeping course and a peer and/or chart review of his practice if he continued to
3 practice medicine in Maryland.

4 8. On March 14, 2014, pursuant to a stipulation, the Medical Board entered a decision
5 against Respondent in the disciplinary action entitled in the Matter of the Accusation Against
6 Reza Aghazadeh-Naini, M.D., Medical Board Case No. 16-2012-224992 (Board's 2014
7 Decision).

8 9. The Board's 2014 Decision provides that "Failure to fully comply with any term or
9 condition of probation is a violation of probation. If Respondent violates probation in any
10 respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke
11 probation and carry out the disciplinary order that was stayed. . . ."

12 10. The terms and conditions of Respondent's probation incorporated the standard terms
13 and conditions of probation including the following:

14 **Term 9 (General Probation Requirements)** of the 2014 Decision provided:

15 Respondent shall comply with the Board's probation unit and all terms and conditions of
16 this Decision. . . . Respondent shall maintain a current and renewed California
17 physician's and surgeon's license. . . .

18 **Term 11 (Non-Practice While on Probation)** of the 2014 Decision provided:

19 Respondent shall notify the Board or its designee in writing within fifteen (15) calendar
20 days of any periods of non-practice lasting more than thirty (30) days and within fifteen
21 (15) calendar days of Respondent's return to practice. Non-practice is defined as any
22 period of time Respondent is not practicing medicine in California as defined in
23 Business and Professions Code sections 2051 and 2052 for at least forty (40) hours in a
24 calendar month in direct patient care, clinical activity or teaching, or other activity as
25 approved by the Board or its designee. All time spent in an intensive training program
26 which has been approved by the Board or its designee shall not be considered non-
27 practice. Practicing medicine in another state of the United States or Federal jurisdiction
28 while on probation with the medical licensing authority of that state or jurisdiction shall

1 not be considered non-practice. A Board-ordered suspension of practice shall not be
2 considered as a period of non-practice. In the event Respondent's period of non-practice
3 while on probation exceeds 18 calendar months, Respondent shall successfully complete
4 a clinical training program that meets the criteria of Condition 18 of the current version
5 of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior
6 to resuming the practice of medicine. Respondent's period of non-practice while on
7 probation shall not exceed two (2) years. Periods of non-practice will not apply to the
8 reduction of the probationary term. Periods of non-practice will relieve Respondent of
9 the responsibility to comply with the probationary terms and conditions with the
10 exception of this condition and the following terms and conditions of probation:

11 Notification; Obey All Laws; and General Probation Requirements.

12 11. Respondent has lived outside of California and has not practiced medicine in
13 California since his probation began on March 14, 2014. Respondent has not been on probation
14 with any other state since his probation began.

15 12. Respondent's physician's and surgeon's certificate expired on December 31, 2014
16 and has not been renewed.

17 FIRST CAUSE TO REVOKE PROBATION

18 (Failure to Maintain Licensure)

19 13. Respondent has not maintained a current and renewed California physician's and
20 surgeon's license as required by Term 9 of the Board's 2014 Decision.

21 14. Respondent's probation is subject to revocation because he has violated his probation
22 by failing to comply with Term 9 of the Board's 2014 Decision.

23 SECOND CAUSE TO REVOKE PROBATION

24 (Non-Practice Provision)

25 15. Respondent has not practiced medicine in California since his probation began on
26 March 14, 2014 nor has he been on probation with the medical licensing authority of another state
27 of the United States or Federal jurisdiction as required by Term 11 of the Board's 2014 Decision.
28

16. Respondent's probation is subject to revocation because he has failed to practice medicine for more than two years and has therefore violated his probation by failing to comply with Term 11 of the Board's 2014 Decision.

P R A Y E R

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking the probation that was granted by the Medical Board of California in Case No. 16-2012-224992 and imposing the disciplinary order that was stayed, thereby revoking Physician's and Surgeon's Certificate No. C54455 issued to Reza Aghazadeh-Naini, M.D.;

2. Revoking, suspending or denying approval of Reza Aghazadeh-Naini, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Reza Aghazadeh-Naini, M.D., if placed on probation to pay the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: August 3, 2017

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Medical Board of California Case No. 16-2012-224992

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)

REZA AGHAZADEH-NAINI, M.D.)

Case No. 16-2012-224992

Physician's and Surgeon's
Certificate No. C 54455)

Respondent.)

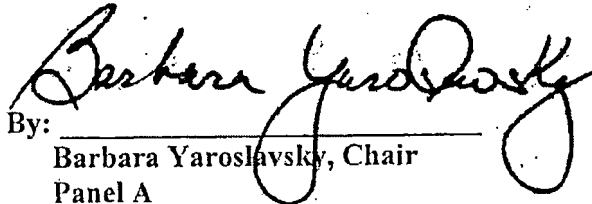
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 14, 2014.

IT IS SO ORDERED February 13, 2014.

MEDICAL BOARD OF CALIFORNIA

By: 
Barbara Yaroslavsky, Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 JOSE R. GUERRERO
Supervising Deputy Attorney General
3 MACHAELA M. MINGARDI
Deputy Attorney General
4 State Bar No. 194400
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

7
8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 16-2012-224992

11 **REZA AGHAZADEH-NAINI, M.D.**
12 12530 Plantation Court
13 Dunkirk, MD 20754

OAH No. 2013110010

14 Physician's and Surgeon's Certificate
15 No. C 54455

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer ("Complainant") is the Interim Executive Director of the
22 Medical Board of California. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Machaela M. Mingardi, Deputy Attorney General.

25 2. Respondent Reza Aghazadeh-Naini, M.D. ("Respondent") is represented in this
26 proceeding by attorney Keith Carlson of Carlson & Jayakumar, LLP, 2424 S.E. Bristol Street,
27 Suite 300, Newport Beach, CA 92660.

3. On or about December 1, 2010, the Medical Board of California issued Physician's and Surgeon's Certificate Number C 54455 to Reza Aghazadeh-Naini, M.D. (Respondent). The certificate is renewed and current with an expiration date of December 31, 2014.

JURISDICTION

4. Accusation No. 16-2012-224992 was filed before the Medical Board of California (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 5, 2012. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 16-2012-224992 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 16-2012-224992. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent agrees that based on the action taken by the Maryland State Board of Physicians, as alleged in the Accusation, cause exists for discipline.

10. The admissions made by Respondent herein are only for the purposes of this proceeding or other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

11. Respondent agrees that his Physician's and Surgeon's Certificate Number C 54455 is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for Surrender of License shall be subject to the approval of the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this Stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the Stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate Number C 54455
No. issued to Respondent Reza Aghazadeh-Naini, M.D. (Respondent) is revoked. However, the

1 revocation is stayed and Respondent is placed on probation for three (3) years on the following
2 terms and conditions.

3 1. **Medical Record Keeping Course**

4 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
5 course in medical record keeping equivalent to the Medical Record Keeping Course offered by
6 the Physician Assessment and Clinical Education Program, University of California, San Diego
7 School of Medicine (Program), approved in advance by the Board or its designee. Respondent
8 shall provide the Program with any information and documents that the Program may deem
9 pertinent. Respondent shall participate in and successfully complete the classroom component of
10 the course not later than six (6) months after respondent's initial enrollment. Respondent shall
11 successfully complete any other component of the course within one (1) year of enrollment. The
12 medical record keeping course shall be at Respondent's expense and shall be in addition to the
13 Continuing Medical Education (CME) requirements for renewal of licensure. A medical record
14 keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the
15 effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted
16 toward the fulfillment of this condition if the course would have been approved by the Board or
17 its designee had the course been taken after the effective date of this Decision. Respondent shall
18 submit a certification of successful completion to the Board or its designee not later than 15
19 calendar days after successfully completing the course, or not later than 15 calendar days after the
20 effective date of the Decision, whichever is later.

21 2. **Clinical Training Program**

22 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a
23 clinical training or educational program equivalent to the Physician Assessment and Clinical
24 Education Program (PACE) offered at the University of California - San Diego School of
25 Medicine ("Program"). Respondent shall successfully complete the Program not later than six (6)
26 months after Respondent's initial enrollment unless the Board or its designee agrees in writing to
27 an extension of that time.

28 The Program shall consist of a Comprehensive Assessment program comprised of a two-

1 day assessment of Respondent's physical and mental health; basic clinical and communication
2 skills common to all clinicians; and medical knowledge, skill and judgment pertaining to
3 Respondent's area of practice in which Respondent was alleged to be deficient, and at minimum,
4 a 40-hour program of clinical education in the area of practice in which respondent was alleged to
5 be deficient and which takes into account data obtained from the assessment, Decision(s),
6 Accusation(s), and any other information that the Board or its designee deems relevant.

7 Respondent shall pay all expenses associated with the clinical training program.

8 Based on Respondent's performance and test results in the assessment and clinical
9 education, the Program will advise the Board or its designee of its recommendation(s) for the
10 scope and length of any additional educational or clinical training, treatment for any medical
11 condition, treatment for any psychological condition, or anything else affecting respondent's
12 practice of medicine. Respondent shall comply with Program recommendations.

13 At the completion of any additional educational or clinical training, respondent shall
14 submit to and pass an examination. Determination as to whether respondent successfully
15 completed the examination or successfully completed the program is solely within the program's
16 jurisdiction.

17 If Respondent fails to enroll, participate in, or successfully complete the clinical training
18 program within the designated time period, Respondent shall receive a notification from the
19 Board or its designee to cease the practice of medicine within three (3) calendar days after being
20 so notified. The Respondent shall not resume the practice of medicine until enrollment or
21 participation in the outstanding portions of the clinical training program have been completed. If
22 the Respondent did not successfully complete the clinical training program, the Respondent shall
23 not resume the practice of medicine until a final decision has been rendered on the accusation
24 and/or a petition to revoke probation. The cessation of practice shall not apply to the reduction of
25 the probationary time period.

26 **3. Practice Monitoring**

27 Within 30 calendar days of the effective date of this Decision, Respondent shall submit to
28 the Board or its designee for prior approval as a practice monitor, the name and qualifications of

1 one or more licensed physicians and surgeons whose licenses are valid and in good standing, and
2 who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall
3 have no prior or current business or personal relationship with Respondent, or other relationship
4 that could reasonably be expected to compromise the ability of the monitor to render fair and
5 unbiased reports to the Board, including but not limited to any form of bartering, shall be in
6 Respondent's field of practice, and must agree to serve as Respondent's monitor. Respondent
7 shall pay all monitoring costs.

8 The Board or its designee shall provide the approved monitor with copies of the
9 Decision(s) and Accusation(s), and a proposed monitoring plan. Within 15 calendar days of
10 receipt of the Decision(s), Accusation(s), and proposed monitoring plan, the monitor shall submit
11 a signed statement that the monitor has read the Decision(s) and Accusation(s), fully understands
12 the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor
13 disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan
14 with the signed statement for approval by the Board or its designee.

15 Within 60 calendar days of the effective date of this Decision, and continuing throughout
16 probation, Respondent's practice shall be monitored by the approved monitor. Respondent shall
17 make all records available for immediate inspection and copying on the premises by the monitor
18 at all times during business hours and shall retain the records for the entire term of probation.

19 If Respondent fails to obtain approval of a monitor within 60 calendar days of the
20 effective date of this Decision, Respondent shall receive a notification from the Board or its
21 designee to cease the practice of medicine within three (3) calendar days after being so notified.
22 Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring
23 responsibility.

24 The monitor(s) shall submit a quarterly written report to the Board or its designee which
25 includes an evaluation of Respondent's performance, indicating whether Respondent's practices
26 are within the standards of practice medicine and whether Respondent is practicing medicine
27 safely, billing appropriately or both. It shall be the sole responsibility of Respondent to ensure
28 that the monitor submits the quarterly written reports to the Board or its designee within 10

1 calendar days after the end of the preceding quarter.

2 If the monitor resigns or is no longer available, Respondent shall, within 5 calendar days
3 of such resignation or unavailability, submit to the Board or its designee, for prior approval, the
4 name and qualifications of a replacement monitor who will be assuming that responsibility within
5 15 calendar days. If Respondent fails to obtain approval of a replacement monitor within 60
6 calendar days of the resignation or unavailability of the monitor, Respondent shall receive a
7 notification from the Board or its designee to cease the practice of medicine within three (3)
8 calendar days after being so notified Respondent shall cease the practice of medicine until a
9 replacement monitor is approved and assumes monitoring responsibility.

10 In lieu of a monitor, Respondent may participate in a professional enhancement program
11 equivalent to the one offered by the Physician Assessment and Clinical Education Program at the
12 University of California, San Diego School of Medicine, that includes, at minimum, quarterly
13 chart review, semi-annual practice assessment, and semi-annual review of professional growth
14 and education. Respondent shall participate in the professional enhancement program at
15 Respondent's expense during the term of probation.

16 **4. Solo Practice Prohibition**

17 Respondent is prohibited from engaging in the solo practice of medicine. Prohibited solo
18 practice includes, but is not limited to, a practice where: 1) Respondent merely shares office space
19 with another physician but is not affiliated for purposes of providing patient care, or 2)
20 Respondent is the sole physician practitioner at that location. Pursuant to this provision,
21 Respondent is not prohibited from engaging in the practice of medicine where he is physically
22 assisting other physicians who are physically present during the delivery of services.

23 If Respondent fails to establish a practice with another physician or secure employment in
24 an appropriate practice setting within 60 calendar days of the effective date of this Decision,
25 Respondent shall receive a notification from the Board or its designee to cease the practice of
26 medicine within three (3) calendar days after being so notified. The Respondent shall not resume
27 practice until an appropriate practice setting is established.

28 If, during the course of the probation, the Respondent's practice setting changes and the

Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent shall notify the Board or its designee within 5 calendar days of the practice setting change. If Respondent fails to establish a practice with another physician or secure employment in an appropriate practice setting within 60 calendar days of the practice setting change, Respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three (3) calendar days after being so notified. The Respondent shall not resume practice until an appropriate practice setting is established.

5. **Notification**

Within seven (7) days of the effective date of this Decision, Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days. This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

6. **Supervision of Physician Assistants**

During probation, respondent is prohibited from supervising physician assistants.

7. **Obev all Laws**

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

8. **Quarterly Declarations**

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation. Respondent shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

//

1 **9. General Probation Requirements**

2 Respondent shall comply with the Board's probation unit and all terms and conditions of
3 this Decision. Respondent shall, at all times, keep the Board informed of respondent's business
4 and residence addresses, email address (if available) and telephone number(s). Changes of such
5 information shall be immediately communicated in writing to the Board or its designee. Under no
6 circumstances shall a post office box serve as an address of record, except as allowed by Business
7 and Professions Code section 2021(b). Respondent shall not engage in the practice of medicine in
8 respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility
9 or other similar license facility. Respondent shall maintain a current and renewed California
10 physician's and surgeon's license. Respondent shall immediately inform the Board, or its
11 designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is
12 contemplated to last, more than 30 calendar days. In the event respondent should leave the State
13 of California to reside or to practice respondent shall notify the Board or its designee in writing
14 thirty (30) calendar days prior to the dates of departure and return.

15 **10. Interview With the Board, or its Designee**

16 Respondent shall be available in person upon request for interviews either at Respondent's
17 place of business or at the probation unit office, with or without prior notice throughout the term
18 of probation.

19 **11. Non-Practice While on Probation**

20 Respondent shall notify the Board or its designee in writing within fifteen (15) calendar
21 days of any periods of non-practice lasting more than thirty (30) days and within fifteen (15)
22 calendar days of Respondent's return to practice. Non-practice is defined as any period of time
23 Respondent is not practicing medicine in California as defined in Business and Professions Code
24 sections 2051 and 2052 for at least forty (40) hours in a calendar month in direct patient care,
25 clinical activity or teaching, or other activity as approved by the Board or its designee. All time
26 spent in an intensive training program which has been approved by the Board or its designee shall
27 not be considered non-practice. Practicing medicine in another state of the United States or
28 Federal jurisdiction while on probation with the medical licensing authority of that state or

jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice. In the event Respondent's period of non-practice while on probation exceeds 18 calendar months, Respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine. Respondent's period of non-practice while on probation shall not exceed two (2) years. Periods of non-practice will not apply to the reduction of the probationary term. Periods of non-practice will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Notification; Obey All Laws; and General Probation Requirements.

12. **Completion of Probation**

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar days prior to the completion of probation. Upon successful completion of probation, Respondent's certificate shall be fully restored.

13. **Violation of Probation**

Failure to fully comply with any term or condition of probation is a violation of probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

14. **License Surrender**

Following the effective date of this Decision, if Respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender of his or her license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within fifteen (15)

1 be treated as a petition for reinstatement of a revoked certificate.

2 15. Probation Monitoring Costs

3 Respondent shall pay the costs associated with probation monitoring each and every year
4 of probation, as designated by the Board, which are currently set at \$3,999, but may be adjusted
5 on an annual basis. Such costs shall be payable to the Medical Board of California and delivered
6 to the Board or its designee no later than January 31 of each calendar year.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Keith Carlson, Esq. I understand the Stipulation and the effect it
10 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Medical Board of California.

13
14 DATED: 11/29/13 Reza A. Naini
15 REZA AGHAZADEH-NAINI, M.D.
16 Respondent

17 APPROVAL

18 I have read and fully discussed with Respondent Reza Aghazadeh-Naini, M.D. the terms
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
20 Order. I approve its form and content.

21
22 DATED: 11/25/13 Keith W. Carlson
23 KEITH CARLSON
24 Carlson & Jayakumar, LLP
25 Attorney for Respondent

26 //

27 //

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 12/2/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General

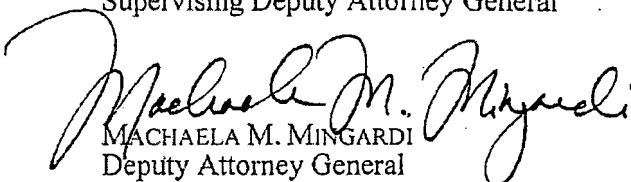

MACHAELA M. MINGARDI
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 16-2012-224992

KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
BRENDA P. REYES
Deputy Attorney General
State Bar No. 129718
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Telephone: (415) 703-5541
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Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO October 5, 2012
BY: J. Kelchak ANALYST

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 16-2012-224992

REZA AGHAZADEH-NAINI, M.D.
12530 Plantation Court
Dunkirk, MD 20754

A C C U S A T I O N

Physician's and Surgeon's Certificate
No. C 54455

Respondent.

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.
2. On or about December 1, 2010, the Medical Board of California issued Physician's and Surgeon's Certificate Number C 54455 to Reza Aghazadeh-Naini, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein. This certificate is renewed and current with an expiration date of December 31, 2012.

///

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board),¹ Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act], shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

6. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a

¹ The term "board" means the Medical Board of California. "Division of Medical Quality" shall also be deemed to refer to the Medical Board. (Bus. & Prof. Code, § 2002.)

1 disciplinary action taken against the licensee by another state, an agency of the federal
2 government, or another country."

3 CAUSE FOR DISCIPLINE

4 (Discipline, Restriction, or Limitation Imposed by Another State)

5 7. On or about June 27, 2012, the Maryland State Board of Physicians ("Maryland
6 Board") issued a Consent Order for a Reprimand and Probation regarding Respondent's license to
7 practice medicine in the State of Maryland. The Maryland Board made findings that Respondent
8 failed to keep adequate medical records for one patient in that he failed to document and include
9 preoperative laboratory values in the patient's medical record when he performed a laparoscopy,
10 D&C and excision of a pubic mole; failed to include a preoperative sonogram report referenced in
11 a progress note and in a history and physical of the patient; failed to adequately document the
12 events leading to the patient's hemodynamic instability; and, failed to document the amount of
13 blood in the patient's abdomen evacuated during a laparotomy. The Maryland Board also made
14 findings that Respondent failed to meet appropriate standards for the delivery of quality medical
15 and surgical care for a second patient in that he failed to obtain an adequate history and failed to
16 adequately evaluate the patient in order to ascertain whether a hysterectomy was indicated; and, if
17 a hysterectomy was indicated, he failed to perform all of the necessary gynecologic surgical
18 procedures simultaneously on one day instead of two separate days.

19 8. The Maryland Board Reprimanded Respondent and placed him on probation until he
20 successfully completes a medical record keeping course and, within one year from the date of the
21 Consent Order if Respondent continues to practice medicine in Maryland, he shall be subject to a
22 peer and/or chart review of his practice. Attached hereto as Exhibit A is a true and correct copy
23 of the Consent Order issued by the Maryland Board.

24 9. Respondent's conduct and the action of the Maryland State Board of Physicians as set
25 forth in paragraphs 7 and 8, above, constitutes unprofessional conduct within the meaning of
26 section 2305 of the Code and conduct subject to discipline within the meaning of section 141,
27 subdivision (a), of the Code.

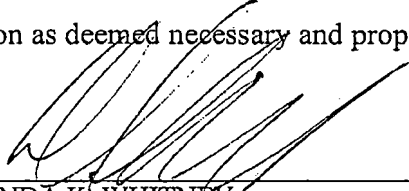
28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number C 54455, issued to Respondent Reza Aghazadeh-Naini, M.D.
2. Revoking, suspending or denying approval of Respondent's authority to supervise physician assistants pursuant to section 3527 of the Code;
3. Ordering Respondent to pay the Medical Board of California, if placed on probation, the costs of probation monitoring; and,
4. Taking such other and further action as deemed necessary and proper.

DATED: October 5, 2012


LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2012402510

EXHIBIT A

* BEFORE THE MARYLAND

* STATE BOARD OF

* **PHYSICIANS**

* **Case Number: 2009-0049**

[illegible]

CONSENT ORDER

On March 1, 2012, the Maryland State Board of Physicians (the "Board"), charged Reza Aghazadeh-Naini, M.D. (the "Respondent") (D.O.B. [REDACTED]), License Number D18830, under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") § 14-404(a) (2009 Repl. Vol.).

The pertinent provisions of the Act provide the following:

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State;
 - (40) Fails to keep adequate medical records as determined by appropriate peer review.

On May 2, 2012, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds the following:

I. BACKGROUND

1. At all times relevant to these charges, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on January 30, 1976; his license expires on September 30, 2012.
2. At the time of the acts described herein, the Respondent was a physician engaged in the practice of obstetrics and gynecology. He held privileges at Hospital A¹ in Prince Frederick, Maryland. The Respondent is not board-certified in obstetrics and gynecology.
3. On or about June 16, 2008, the Board received a Report of Disciplinary Action ("Report") from Hospital A, stating that a "restriction, limitation, change, etc." had been placed on the Respondent's hospital privileges. Hospital A had conducted an external peer review of six of the Respondent's patients that resulted in a plan of correction for the Respondent's documentation and surgical issues that had been identified by the hospital's reviewer.²
4. On September 15, 2008, the Board notified the Respondent of the receipt of the Report and requested a written response.
5. On or about September 29, 2008, the Respondent filed a written response with the Board.

¹ Hospital and facility names will not be used in this document in order to maintain confidentiality.

² The Board's file contains additional information regarding Hospital A's peer review of the Respondent's medical practice (including documentation issues) and its recommendations and actions with regard to the Respondent's hospital privileges, including a June 11, 2008 "Plan of Correction." On December 21, 2009, the Respondent wrote a letter to Hospital A representing that he had retired from his gynecology practice effective December 31, 2009.

6. In furtherance of the Board's investigation, the Board transmitted six patient records obtained from the Respondent and other relevant documents to a formal peer review organization, Maximus. Maximus assigned the review to two physicians, both board-certified in obstetrics and gynecology (hereinafter "the peer reviewers").

7. The peer reviewers concurred that with regard to one patient (identified as Patient 2 for purposes of this document), the Respondent failed to meet the appropriate standards for the delivery of quality medical and surgical care, and with regard to a second patient (identified as Patient 1 for the purposes of this document) he failed to keep adequate medical records.

II. PATIENT-RELATED FINDINGS

PATIENT 1

8. Patient 1, a female, D.O.B. 1970, was seen by the Respondent on May 21, 2008 for evaluation of irregular menses and a right ovarian cyst. She had been referred by Dr. O. Patient 1 had a history of three pregnancies (all resulting in pre-term deliveries), endometriosis, menometrorrhagia,³ pelvic pain, dyspareunia⁴ and a large mole on her genital area. She also had a past history of an abnormal pap smear and cervical loop excisions on three occasions.

9. On May 21, 2008, the Respondent documented in his progress note, "see sono," however, he did not include a sonogram report in Patient 1's medical record.⁵ The

³ Excessive and prolonged uterine bleeding occurring at irregular, frequent intervals.

⁴ Painful sexual intercourse.

⁵ There was a CT scan report in Patient 1's record indicating a probable right ovarian cyst. In the Respondent's history and physical dictated on June 6, 2008, he mentioned both a CT scan report and a sonogram report.

Respondent's treatment plan was to schedule Patient 1 for a laparoscopy, a dilation and curettage ("D&C") and an excision of the large mole in the pubic area.

10. The Respondent failed to document or include in Patient 1's medical record any preoperative laboratory studies for the June 6, 2008 procedures.

11. On or about June 6, 2008, the Respondent performed a laparoscopy (which confirmed endometriosis), D&C and excision of the large pubic mole.

12. On July 28, 2008, the Respondent evaluated Patient 1 and documented that he had discussed treatment options for endometriosis. He documented that he planned to schedule her for a transvaginal total hysterectomy, cystoscopy and bi-lateral stent procedure with a possible total abdominal hysterectomy, bilateral salpingo-oophorectomy ("TAH-BSO")⁶ and appendectomy.

13. On or about October 7, 2008, the Respondent performed a vaginal hysterectomy, cystoscopy and insertion of bilateral stents.

14. Approximately four hours later, Patient 1's heart rate became tachycardic (rapid), she became hypotensive (abnormally low blood pressure) and she was found to have internal bleeding; the Respondent took her back to the operating room for a laparotomy, evacuation of hemoperitoneum⁷ and removal of her right tube and ovary.⁸

15. The Respondent failed to adequately document the events leading to Patient 1's hemodynamic instability.

16. The Respondent failed to document the date of the operative procedure on the operative report.

⁶ Surgical removal of the uterus, fallopian tubes and ovaries through an abdominal incision.

⁷ The presence of blood in the peritoneal cavity.

⁸ The Respondent requested an intraoperative urology consultation and the urologist documented a separate operative note.

17. The Respondent failed to document how much blood was estimated to be in Patient 1's abdomen that was evacuated.

18. Patient 1 received four units of blood postoperatively and was discharged on October 10, 2008.

19. The Respondent failed to keep adequate medical records for Patient 1 constituting a violation of Health Occ. § 14-404(a)(40) as outlined in pertinent part above for reasons including but not limited to the following:

- a. a failure to document or include preoperative laboratory values in Patient 1's medical record for the June 6, 2008 procedures;
- b. a failure to include the preoperative sonogram report referenced in his progress note of May 21, 2008 and in his history and physical dated June 6, 2008;
- c. a failure to adequately document the events leading to Patient 1's hemodynamic instability; and
- d. a failure to document the amount of blood in Patient 1's abdomen evacuated during the laparotomy.

PATIENT 2

20. Patient 2, a female, D.O.B. 1963, had been a patient of the Respondent since approximately October 1997. She had a history of three pregnancies (all full term deliveries), back pain and urinary incontinence. She had undergone a prior D&C, tubal ligation, laparoscopy (for adnexal pain) and cervical cryosurgery.

21. On September 1, 2008, Patient 2 presented with complaints of back and lower abdominal pain and urinary incontinence. She underwent urodynamic testing which revealed stress incontinence.

22. The Respondent's October 27, 2008 history and physical stated that Patient 2 "denies excessive bleeding."

23. On or about October 28, 2008, the Respondent placed a transvaginal obturator ("TOT") sling for Patient 2's stress incontinence.

24. On or about November 5, 2008, the Respondent saw Patient 2 postoperatively and she complained of a heavy period with several small clots and back pain, but indicated her incontinence had been cured.

25. On November 5, 2008, the Respondent diagnosed Patient 2 with menorrhagia (heavy menstrual bleeding) and 2nd degree uterine prolapse (the uterus falls into the lower part of the vagina). He documented: "schedule for Abdominal Total Hysterectomy" (he had previously written transvaginal, but this was crossed out), "possible appendectomy, cystoscopy and insertion of bilateral stents."

26. The Respondent failed to conduct any testing or evaluation for Patient 2's complaints of a heavy period. The Respondent's history and evaluation as documented is an inadequate indication for a hysterectomy.⁹

27. On December 30, 2008, the Respondent performed a TAH, right salpingectomy (removal of her fallopian tube), cystoscopy and insertion of ureteral stents. She also had a reduction of her Meckel's diverticulum¹⁰ and an appendectomy performed by another surgeon.

28. The Respondent again failed to include, "clear consent orders, with the procedure(s) defined prior to surgery," in Patient 2's medical records.

29. The Respondent failed to meet appropriate standards for the delivery of quality medical and surgical care in violation of Health Occ. § 14-404(a) (22) for reasons including but not limited to the following:

⁹ Patient 2's record included one complaint of a heavy period in November 1998; and an impression of "menorrhagia" documented in March 2001, without any further evaluation noted.

¹⁰ A commonly occurring congenital abnormality of the small intestine.

- a. his failure to obtain an adequate history and to adequately evaluate Patient 2 in order to ascertain whether a hysterectomy was indicated; and
- b. if a hysterectomy was indicated, his failure to perform all the necessary gynecologic surgical procedures simultaneously (on one day instead of two separate days).

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions and inactions as outlined above constitute a violation of Md. Health Occ. Code Ann. § 14-404(a) (22) and (40).

III. ORDER

Based on the foregoing Findings of Fact and Conclusion of Law, it is this 27th day of JUNE, 2012, by a majority of a quorum of the Board considering this case:

ORDERED that the Respondent be and is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** until the following conditions are fully and satisfactorily complied with:

1. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete, at his own expense, a Board-approved course in medical record-keeping. This course is not to be counted towards the Respondent's Continuing Medical Education ("CME") requirement for licensure. It shall be the Respondent's burden to provide the Board with proof that he successfully completed the course; and
2. Within one (1) year from the date of this Consent Order, if the Respondent has been practicing medicine in Maryland, the Respondent will be subject to a peer and/or chart review of the Respondent's practice, an unsatisfactory result of which may be considered a violation of probation and a violation of this Consent Order; and it is further

ORDERED that there shall be no early termination of these probationary terms and conditions; and it is further

ORDERED that after the above conditions are fully and satisfactorily complied with, the Respondent may submit a written petition to the Board requesting an administrative termination of his probation. The Respondent shall provide documentation to the Board that he has fulfilled the terms and conditions of probation. After consideration of the petition, the probation may be terminated through an Order of the Board, or a designated Board Committee. The Board, or designated Board Committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that the Respondent shall comply with all laws governing the practice of medicine under the Maryland Medical Practice Act and all rules and regulations promulgated thereunder; and it is further

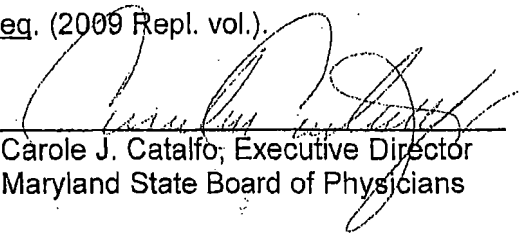
ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of probation or this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, or an opportunity for an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, may impose any sanction which the Board may have imposed in this case under §§ 14-404(a) and "

14-405.1 of the Medical Practice Act, including probation, reprimand, suspension, revocation and/or a monetary fine; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (2009 Repl. vol.).

6-27-12
Date


Carole J. Catalfo, Executive Director
Maryland State Board of Physicians

CONSENT ORDER

I, Reza Aghazadeh-Naini, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

Date 5/15/2012

Reza A. Naini
Reza Aghazadeh-Naini, M.D.

Reviewed and Approved by:

Marc K. Cohen
Marc K. Cohen, Esquire

STATE OF: Maryland

CITY/COUNTY OF Calvert

I HEREBY CERTIFY that on this 15 day of May, 2012,
before me, a Notary Public of the foregoing State and City/County personally appeared
Reza Aghazadeh-Naini, M.D., License Number D18830, and made oath in due form of
law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

James H. H.
Notary Public

Commission expires: 01-05-14

I HEREBY ATTEST AND CERTIFY UNDER
PENALTY OF PERJURY ON 8-3-12
THAT THE FORGOING DOCUMENT IS A
FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE AND
IN MY LEGAL CUSTODY.

[Signature]
EXECUTIVE DIRECTOR
MARYLAND BOARD OF PHYSICIANS